

AMENDED IN SENATE JANUARY 15, 2004

AMENDED IN SENATE JANUARY 5, 2004

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 22, 2003

AMENDED IN SENATE MARCH 20, 2003

SENATE BILL**No. 58**

**Introduced by Senators Johnson, Alpert, Battin, Florez, Knight,
McPherson, and Speier**

(Coauthors: Assembly Members Bates, Benoit, Campbell, Cogdill,
Daucher, Dutton, La Malfa, Longville, Maddox, Mountjoy,
Nakanishi, Pacheco, Plescia, Spitzer, Strickland, and Wyland)

January 15, 2003

An act to add Section 964 to the Penal Code, relating to police reports, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as amended, Johnson. Police reports: confidentiality.

Existing law provides Californians with a right of privacy. Existing law regulates the dissemination of personal information held by government agencies. Existing law exempts courts from the provisions of the California Public Records Act and permits a court to seal records and redact information from them.

~~This bill would provide, except as otherwise required by law, that a police report, arrest report, or investigative report, and any item attached to it, submitted to a court by a prosecutor or law enforcement officer, as specified, may only be opened to public inspection in~~

~~accordance with certain conditions and procedures. The bill would permit a person to file a written motion, with specified notice after filing to the defense and prosecution, requesting access to the report, and would require a court that grants this motion to prepare and provide a copy of the report from which all personal identifying information has been redacted, as specified, regarding any witness or victim. The bill would state that its provisions do not preclude a court and local law enforcement from entering into an agreement to have personal identifying information redacted from a report prior to submission to the court.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

This bill would state the intent of the Legislature to establish a procedure to protect confidential personal information, as defined, regarding any witness or victim contained in a police report, arrest report, or investigative report that is submitted to a court by a prosecutor in support of a criminal complaint, indictment, or information, or by a prosecutor or law enforcement officer in support of a search warrant or an arrest warrant.

Vote: ~~2~~/~~3~~ majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 964 is added to the Penal Code, to read:~~
2 *SECTION 1. It is the intent of the Legislature to establish a*
3 *procedure to protect confidential personal information regarding*
4 *any witness or victim contained in a police report, arrest report,*
5 *or investigative report that is submitted to a court by a prosecutor*
6 *in support of a criminal complaint, indictment, or information, or*
7 *by a prosecutor or law enforcement officer in support of a search*
8 *warrant or an arrest warrant. For purposes of this section,*
9 *“confidential personal information” includes a driver’s license or*
10 *California Identification Card number, social security number,*
11 *date of birth, place of employment, employee identification*
12 *number, mother’s maiden name, demand deposit account number,*
13 *savings or checking account number, or credit card number.*
14 ~~964. — (a) Except as otherwise required by law, a police report,~~
15 ~~arrest report, or investigative report, and any item that is attached~~
16 ~~or incorporated by reference to it, that is submitted to a court by~~

1 a prosecutor in support of a criminal complaint, indictment, or
2 information, or by a prosecutor or law enforcement officer in
3 support of a search warrant or an arrest warrant, may be opened to
4 public inspection only as provided by this section.

5 (b) A person may file a written motion requesting access to a
6 report specified in subdivision (a), and shall serve the motion on
7 defense counsel and the prosecution within 2 days of filing. Upon
8 granting this motion, the court shall prepare and provide a copy of
9 the report from which has been redacted all personal identifying
10 information regarding any witness or victim mentioned within.

11 (c) For the purposes of this section, “personal identifying
12 information” includes, but is not limited to, a person’s address,
13 telephone number, driver’s license or California Identification
14 Card number, social security number, date of birth, place of
15 employment, employee identification number, mother’s maiden
16 name, demand deposit account number, savings or checking
17 account number, or credit card number.

18 (d) (1) This section may not be construed to impair or affect
19 the provisions of Chapter 10 (commencing with Section 1054) of
20 Title 6 of Part 2 of the Penal Code.

21 (2) This section may not be construed to impair or affect
22 procedures regarding informant disclosure provided by Sections
23 1040 to 1042, inclusive, of the Evidence Code, or as altering
24 procedures regarding sealed search warrant affidavits as provided
25 by *People v. Hobbs* (1994) 7 Cal.4th 948.

26 (3) This section shall not be construed to impair or affect a
27 criminal defense counsel’s access to unredacted reports otherwise
28 authorized by law, or the submission of documents in support of
29 a civil complaint.

30 (4) This section applies as an exception to California Rule of
31 Court 243.1, as provided by paragraph (2) of subdivision (a) of that
32 rule.

33 (e) Nothing in this section precludes a court and local law
34 enforcement from entering into an agreement to have personal
35 identifying information redacted from a report specified in
36 subdivision (a) prior to submission to the court.

37 SEC. 2. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or safety
39 within the meaning of Article IV of the Constitution and shall go
40 into immediate effect. The facts constituting the necessity are:

1 ~~In order to protect the safety and privacy of victims and~~
2 ~~witnesses of crimes, to encourage witnesses to come forward and~~
3 ~~report crimes, and to combat the efforts of identity thieves to~~
4 ~~obtain the personal identifying information of California citizens,~~
5 ~~it is necessary that this act go into immediate effect.~~

O

